

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~CORR~~ of CORTLAND~~TOWN~~~~VILLAGE~~

Local Law No. 6 of the year 1997

A local law PROHIBITING SELF-SERVICE SALE OF TOBACCO PRODUCTS
(Insert Title)Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

~~CORR~~ of CORTLAND~~TOWN~~~~VILLAGE~~

as follows:

Section 1. Legislative findings. Tobacco products are very accessible to children and adolescents in Cortland County. Access through self-service tobacco displays is a contributing factor to this problem whereby tobacco products are more easily obtained through illegal sales or shoplifting. A 1997 county-wide assessment indicates that 79% of tobacco retail establishments have multiple self-service displays. As well, figures from a 1997 youth tobacco use survey for Cortland County revealed that, overall, 33% of youth are regular tobacco users and 28% of these users admittedly shoplift as a means of obtaining tobacco products. Yet, 60% of these tobacco users stated their desire to quit, although only 8% were successful.

Youth tobacco use in Cortland County can no longer be tolerated or overlooked. The American Medical Association has classified youth tobacco use as a pediatric disease. To help alleviate the current problem and to prevent future tobacco use, all tobacco products should be secured behind monitored service counters and vending machines should be placed only in areas inaccessible to youth.

Section 2. Purpose. It is the purpose of this local law to aid enforcement of laws prohibiting the sale of tobacco products to minors, to reduce minors' access to tobacco, and to reduce the incidence of minors shoplifting tobacco products by eliminating open-access displays and increasing the minor/sales clerk interaction during the sales transaction.

Section 3. Definitions. For the purposes of this local law:

- (a.) "Person" shall mean any individual, partnership, corporation, association, or any combinations of individuals and corporations, by whatever means organized.
- (b.) "Retailer" shall mean any person who operates a store, shop, booth, stand, concession or any other place where tobacco is sold to purchasers for consumption or use.
- (c.) "Tobacco product" means any one or more cigarette or cigar, chewing

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tobacco, powdered tobacco, smokeless tobacco, snuff, pipe tobacco, or any other tobacco product.

(d.) "Local Health Officer" shall be defined as set forth in Part 11 of the New York State Sanitary Code.

(e.) "Bar" shall be defined as set forth in Article-E of the Public Health Law.

(f.) "Tobacco business" shall be defined as set forth in Article-E of the Public Health Law.

Section 4. Self service sales prohibited. No person or retailer shall display or store tobacco in any manner for sale, storage, or distribution without charge, which permits direct customer access or self service by the customer, whether by shelf display, kiosk, vending machine, or other means of open display. This provision shall not apply to the sale of tobacco products in vending machines located in a bar, in the bar area of a food service establishment with a valid on-premises full liquor license, or in a tobacco business. This exemption does not apply to a bar located in a bowling alley or any other business in which a significant, as deemed by the Local Health Officer, portion of its clientele consists of people under the age of eighteen years.

Section 5. Enforcement and penalties. A violation of Section 4 of this local law shall be a violation punishable by a fine not to exceed one thousand dollars. Every peace officer within the County of Cortland is authorized to issue to any person or retailer found in violation of this local law, a ticket to appear before a justice of any municipal court located within the County. The Local Health Officer is authorized to enforce this local law by administrative proceedings held in accordance with the provisions set forth in Article II of the Cortland County Sanitary Code. *Any penalty imposed and collected by the Local Health Officer with respect to a violation of this law shall be used for tobacco use prevention and control efforts administered by the Cortland County Health Department for purposes of preventing adolescent tobacco use.*

Section 6. Effective date. This local law shall become effective sixty days after filing as required by law.